

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent 6,353,038

Allan AHO et al.

Serial Number: 09/446,630

Issued: March 5, 2002

For: NOVEL PLASTIC BASED COMPOSITE AND ITS USE

REQUEST FOR REFUND OF PETITION FEE

Commissioner for Patents

ATTN: John J. Gillon, Jr.

Office of Petitions

P.O. Box 1450

Alexandria, VA 22313-1450

March 15, 2013

Sir:

The Commissioner is requested to promptly refund the \$400 petition fee paid in connection with a heretofore undecided petition. The facts supporting this Request follow:

1. A Renewed Petition for Acceptance of Unavoidably Delayed Maintenance Fee Payment Pursuant to 37 C.F.R. § 1.378(e) was filed November 13, 2012 ("Renewed Petition").
2. A Petition Under 37 C.F.R. § 1.182 for Expedited Consideration of Renewed Petition Pursuant to 37 C.F.R. 1.378(e) was filed November 16, 2012 ("Expedited Petition"). The Expedited Petition explained that a Business Purchase Agreement between Vivoxid Oy, Ltd., the owner of U.S. Patent 6,353,038, and Purac

Biomaterials included the acquisition of the '038 patent if it was reinstated no later than January 13, 2013.

3. The Expedited Petition was accompanied by the petition fee set forth in 37 C.F.R. § 1.17(f).

4. The Patent Office has not decided either the Expedited Petition or the Renewed Petition as of Friday, March 15, 2013.

Action Requested

January 13, 2013 has come and gone without a PTO decision on either the Renewed Petition or the Expedited Petition. Both petitions remain undecided. Accordingly, the Patent Office is requested not to decide the Expedited Petition, and instead to refund the \$400 petition fee to the undersigned's Deposit Account 50-1258.

Favorable consideration of the Renewed Petition remains earnestly requested. In this regard, the third maintenance fee for the '087 patent is being timely paid today.

Respectfully submitted,

/James C. Lydon/

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